



Government of  
Saskatchewan

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# 2006 Annual Report

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Public and Private  
Rights Board

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## Table of Contents

|                                                                                                                             |          |
|-----------------------------------------------------------------------------------------------------------------------------|----------|
| <b>Letter of Transmittal .....</b>                                                                                          | <b>3</b> |
| <b>Staff .....</b>                                                                                                          | <b>4</b> |
| <b>Message from the Chairman .....</b>                                                                                      | <b>4</b> |
| <b>Tables .....</b>                                                                                                         | <b>5</b> |
| a. Number and Nature of Claims Received, Negotiated, Completed,<br>Withdrawn and Carried Forward by the Board in 2006 ..... | 5        |
| b. Number and Nature of Claims Received by the Board in 2006<br>(by Expropriating Authority) .....                          | 6        |
| c. Number and Nature of Claims Initiated with the Board in 2006<br>(by Expropriating Authority) .....                       | 6        |
| d. Resolution of Claims Initiated with the Board in 2006<br>(by Expropriating Authority) .....                              | 6        |
| e. Number and Nature of Claims Received by the Board (1996 – 2006) .....                                                    | 7        |
| f. Number of Claims Received by the Board by Expropriating Authority<br>(1996 – 2006) .....                                 | 8        |



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## Letter of Transmittal



March 6, 2007

The Honourable Lorne Calvert  
President of Executive Council

Dear Mr. Premier:

As per subsection 6(3) of *The Expropriation Procedure Act*, I have the honour to submit to you the Annual Report of the Public and Private Rights Board for the period January 1, 2006 to December 31, 2006.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "K. W. Acton".

K. W. Acton  
Chairman

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## Staff

The staff of the Public and Private Rights Board are:

K. W. Acton, Chairman

Verna LeBlanc, Administrative Assistant

## Message from the Chairman

Under *The Expropriation Procedure Act*, the Public and Private Rights Board has the authority to review matters relating to the expropriation of land or the intention to acquire land by expropriating authorities. The Board investigates claims and manages negotiations between landowners and expropriating authorities in an effort to help the parties reach mutually acceptable solutions.

Landowners may request the Board to review either or both:

- a. The route, situation or design of a public improvement;
- b. The amount of compensation offered for the expropriated land.

The primary role of the Public and Private Rights Board is dispute resolution. The Board assists landowners and expropriating authorities in reaching agreement on the most appropriate route or design of a public improvement and/or what fair and reasonable compensation should be paid for the required land or easement.

*"The primary purpose of compensation is to place the owner whose land has been taken in the same position financially as he was prior to the taking. On the one hand, the owner should not receive a windfall or unjust enrichment as a result of the taking. On the other hand, the owner should not be required to shoulder an economic loss for the general public benefit which is achieved as a result of the taking."*

(Expropriation in Canada – A Practitioner's Guide, by Kenneth J. Boyd, Canada Law Book Inc., Aurora, Ontario, 1988, p. 27.)

The Board is pleased to report that in several cases, we were able to resolve issues without creating a file or conducting a formal meeting. In these situations, the requests for assistance are generally made by an individual who has not faced expropriation before. They are unsure of their rights and obligations, or where best to turn for advice or assistance in sorting out a fair and realistic arrangement with the expropriating agency. The Board's role is one of providing information about the process, acting as a sounding board to help the individual landowner identify issues and concerns, and helping them make contact with the appropriate official within the expropriating authority.

In addition, the Board found it necessary in five situations to commence a more formal investigation in an attempt to assist individual landowners and expropriating authorities to find a mutually acceptable resolution to the issues in dispute.

The Board is pleased with the co-operation received from the various expropriating authorities and their willingness to meet with landowners, share information, review plans and discuss possible alternatives that would best meet the landowner's concerns.

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## Tables

### a. Number and Nature of Claims Received, Negotiated, Completed, Withdrawn and Carried Forward by the Board in 2006

#### i. Number and Nature of Claims Negotiated in 2006

##### (A) Carried Forward from 2005

|                               |   |
|-------------------------------|---|
| i) Route, Situation or Design | 0 |
| ii) Compensation              | 2 |
| <i>Subtotal</i>               | 2 |

##### (B) New Claims Received in 2006

|                               |   |
|-------------------------------|---|
| i) Route, Situation or Design | 1 |
| ii) Compensation              | 2 |
| iii) Claims Withdrawn in 2006 | 2 |
| <i>Subtotal</i>               | 5 |

#### ii. Number and Nature of Claims Completed in 2006

|                               |          |
|-------------------------------|----------|
| i) Route, Situation or Design | 0        |
| ii) Compensation              | 3        |
| <b>Total</b>                  | <b>3</b> |

#### iii. Number and Nature of Claims Carried Forward into 2007

|                               |          |
|-------------------------------|----------|
| i) Route, Situation or Design | 1        |
| ii) Compensation              | 1        |
| <b>Total</b>                  | <b>2</b> |

**b. Number and Nature of Claims Received by the Board in 2006 (by Expropriating Authority)**

| <b>Expropriating Authority</b> | <b>Route, Situation or Design</b> | <b>Compensation</b> | <b>Total</b> |
|--------------------------------|-----------------------------------|---------------------|--------------|
| SaskTel                        | 0                                 | 0                   | 0            |
| SaskPower                      | 0                                 | 0                   | 0            |
| Highways                       | 0                                 | 1                   | 1            |
| Miscellaneous                  | 1                                 | 1                   | 2            |

**c. Number and Nature of Claims Initiated with the Board in 2006 (by Expropriating Authority)**

| <b>Expropriating Authority</b> | <b>Route, Situation or Design</b> | <b>Compensation</b> | <b>Total</b> |
|--------------------------------|-----------------------------------|---------------------|--------------|
| SaskTel                        | 0                                 | 0                   | 0            |
| SaskPower                      | 0                                 | 0                   | 0            |
| Highways                       | 0                                 | 1                   | 1            |
| Miscellaneous                  | 1                                 | 1                   | 2            |

**d. Resolution of Claims Initiated with the Board in 2006 (by Expropriating Authority)**

| <b>Expropriating Authority</b> | <b>Negotiated Successfully</b> | <b>Negotiated Unsuccessfully</b> | <b>Withdrawn</b> | <b>Total</b> |
|--------------------------------|--------------------------------|----------------------------------|------------------|--------------|
| SaskTel                        | 0                              | 0                                | 1                | 1            |
| SaskPower                      | 1                              | 0                                | 0                | 1            |
| Highways                       | 1                              | 0                                | 1                | 2            |
| Miscellaneous                  | 1                              | 0                                | 0                | 1            |

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**e. Number and Nature of Claims Received by the Board (1996 – 2006)**

| <b>Year</b> | <b>Route, Situation<br/>or Design</b> | <b>Compensation</b> | <b>Total</b> |
|-------------|---------------------------------------|---------------------|--------------|
| 1996        | 3                                     | 4                   | 7            |
| 1997        | 2                                     | 4                   | 6            |
| 1998        | 3                                     | 6                   | 9            |
| 1999        | 0                                     | 2                   | 2            |
| 2000        | 3                                     | 3                   | 6            |
| 2001        | 2                                     | 2                   | 4            |
| 2002        | 8                                     | 3                   | 11           |
| 2003        | 1                                     | 2                   | 3            |
| 2004        | 2                                     | 0                   | 2            |
| 2005        | 0                                     | 5                   | 5            |
| 2006        | 1                                     | 2                   | 3            |

f. Number of Claims Received by the Board by Expropriating Authority (1996 – 2006)

| Year | Conservation<br>& Development<br>Area Authorities | SaskTel | SaskPower | SaskEnergy | Sask<br>Highways | Misc. |
|------|---------------------------------------------------|---------|-----------|------------|------------------|-------|
| 1996 | 0                                                 | 4       | 2         | 0          | 0                | 1     |
| 1997 | 0                                                 | 2       | 3         | 0          | 0                | 1     |
| 1998 | 0                                                 | 4       | 2         | 0          | 1                | 2     |
| 1999 | 0                                                 | 1       | 0         | 0          | 0                | 1     |
| 2000 | 0                                                 | 4       | 0         | 0          | 2                | 0     |
| 2001 | 0                                                 | 1       | 0         | 0          | 1                | 2     |
| 2002 | 2                                                 | 1       | 0         | 0          | 7                | 1     |
| 2003 | 0                                                 | 0       | 1         | 0          | 1                | 1     |
| 2004 | 0                                                 | 1       | 0         | 0          | 0                | 1     |
| 2005 | 0                                                 | 1       | 1         | 0          | 3                | 0     |
| 2006 | 0                                                 | 0       | 0         | 1          | 1                | 1     |



